इलाकों पर भी पड़ेगा। जब उनको यह दिखाई देगा कि इनसे उनको फायदा हो रहा है तो यह बात आगे बढ़ सकती है। हमें अपनी मानसिकता को भी बदलना है। हमारे एक साथी नरेश जी ने तिलक दहेज व रुपया-पैसा लेने वाली बात कही, ये सारे मामले आर्थिक स्थिति से जुड़े हुए हैं। जिसका बेटा होता है उसका बाप समझता है कि शादी में हमारा बेटा पैसा कमाने का साधन है, युनिवर्सिटी की डिग्री है, इससे कितना पैसा मिलेगा उसको। साथ ही हमें इस मानसिकता को भी बदलना पड़ेगा। इसलिए जो समाज की अगुवाई करने वाले लोग हैं, जो संसद में, विधान मंडलों में, समाज में अपने को अगुवा कहते हैं जो राजनीतिक दलों के लोग हैं, सामाजिक कार्यकर्ता हैं उनको आगे आना पड़ेगा। सरकार को इसके लिए एक मोडल मिनिस्ट्री बनानी चाहिये, जो सारे लोगों को इकट्ठा करके काम करे तभी ये सफल हो सकते हैं नहीं तो हमेशा संसद में कोई न कोई प्रस्ताव आयेगा, विधेयक आयेगा, हम बात करते रहेंगे, फिर भी बात जहां की तहां रह जायेगी। हिन्दुस्तान की आबादी बढ़ती ही चली जायेगी, हमारी आबादी बढ़ती चली जायेगी और हमारी कोई तरक्की नहीं होगी क्योंकि पिछले 50 साल तो बीत गये आज़ादी के और आने वाले 50 साल भी बीत जायेंगे और फिर कल को किसने देखा है। यह स्थिति है। महोदय, आपने मुझे बोलने का समय दिया, धन्यावाद।

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): Thank you, Kamlaji. Now, if the House so agrees, we may continue this discussion in the next Session because we have to take up the Statutory Resolution. The Minister is also there to move the Bill for consideration.

SHRI SATISH AGARWAL: Mr. Vice-Chairman, I have given notice of a motion for reference of this second Bill to a Select Committee of this House and to report by the 12th of August, 1996. I seek your permission to move this motion.

Will the Minister move first and then I move?

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): The Minister will first move the Bill for consideration.

I. THE BUILDING AND OTHER CONSTRUCTION WORKERS (REGULATION OF EMPLOYMENT AND CONDITIONS OF SERVICE) BILL, 1996

II. THE BUILDING AND OTHER CONSTRUCTION WORKERS' WELFARE CESS BILL, 1996

THE MINISTER OF LABOUR (SHRI M. ARUNACHALAM): Sir, I beg to move:

> "That the Bill to regulate the employment and conditions of service of building and other construction workers and to provide for their safety, health and welfare measures and for other matters connected therewith or incidental thereto, as passed by Lok sabha, be taken into consideration."

Sir. I also move:

> "That the Bill to provide for the levy and collection of a cess on the cost of construction incurred by employers with a view to augmenting the resources of the Building and Other Construction workers' Welfare Boards constituted under the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996, as passed by Lok sabha, be taken into consideration."

SHRI SATISH AGARWAL (Rajasthan): Mr. Vice-Chairman, I wish to move my motion for reference of the Building and Other Construction Workers' Welfare Cess Bill, 1996 to a Select Committee. My motion is as follows:

Sir, I move:

"That the Bill to provide for the levy and collection of a cess on the cost of construction incurred by employers with a view to augmenting the resources of the Building and Other Construction Workers' Welfare Boards constituted under the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996, as passed by Lok Sabha, be referred to a Select Committee of the Rajya Sabha, consisting of the following Members, namely:—

1. Shri Satish Agarwal
2. Shrimati Margaret Alva
3. Shri Vayalar Ravi
4. Shri Surinder Kumar Singla
5. Shri Triloki Nath Chaturvedi
6. Shri Gurudas Das Gupta
7. Shri Md. Salim
8. Shri G. Swaminathan
9. Shri Jayant Kumar Malhoutra
10. Shri Ish Dutta Yadav
11. Shrimati Kamla Sinha

with instructions to report by the 12th August, 1996.

Mr. Vice-Chairman, Sir, why am I moving the Building and Other Construction Workers' Welfare Cess Bill, 1996 for reference to a Select Committee? I am supporting the provisions of the original Bill, that is, the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Bill, 1996. I am not opposed to it. What I am opposed to is the building and Other Construction Workers' Welfare Cess Bill, 1996 and the reasons for my opposition are obvious. The motion for reference to a Select Committee has been signed, along with me, by Shrimati Margaret Alva, Shri Md. Salim, Shri Gurudas Das Gupta and Shri G. Swaminathan. Practically three-fourth Members of this hon. House have lent their support to my motion for reference of this Bill to the Select Committee. The reason are obvious. I think the House would appreciate it. Unfortunately, this issue could not be raised in the other House. I do not know the reasons for that.

Mr. Vice-Chairman, here is the 1996 Receipts Budget before me. In this Receipts Budget at page 37, in column 4, I find cesses on commodities administered by the department of Revenue—Handloom Cess on fabrics, sugar, tea, bidis, jute manufacture, automobiles, indigenous crude oil, cotton, vegetables telephones, etc.

And column (b) relates to items administered by Ministries/Departments other than Revenue Department and these are, coal and coke, rubber, salt, iron ore, limestone and dolomite, mica, cine works, prevention and control of (air & water) pollution, research and development. The total cess under all these heads, i.e., the cess on commodities comes to Rs. 3,360.65 crores. Similarly, under the earlier Head No. (III), there is a cess on exports which includes coffee, coir, lac, mica, tobacco (unmanufactured) oil cakes and meal, marine products, cashewkernel, balck pepper, Cardamom Act, 1965, Cardamom (A.P. Cess), other agricultural produce, iron ore, animal feed, turmeric, turmeric powder and other articles. The total comes, so far as this is concerned, to Rs. 122.60 crores.

There are other cesses also. What is the purpose of bringing in this piece of legislation before this House? Mr. Vice-Chairman, Sir. I will take a very short time. It is written in the preamble, "To provide for the levy and collection of a cess on the cost of construction incurred by employers with a view to augmenting the resources of the Building and Other Construction Workers Welfare Boards constituted under the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996." It is for this purpose.

Now I would like to remind this hon. House of a similar cess imposed under

the Oil Industry (Development) Act, 1974. In 1974, similarly, a Bill was brought before this House whereby permission was sought of this House for levying a cess under this particular Act, as is being done now. What happened after 1974? I don't want to go into much of the details. What was the purpose of levying that cess? The purpose was to assist the oil companies in the field of exploration, production, refining and marketing of oil and gas.

Here I have got a report of a committee of the Ministry of Petroleum and Natural Gas, i.e., the Standing Committee on Petroleum and Chemicals, 1995-96 of Tenth Lok Sabha. This Committee in its Action Taken Report at page 2, paragraph 7, said, "The Committee had noted that as against the huge amount of about Rs. 20,000 crores—I repeat it, Rs. 20,000 crores—which was collected as cess levied under Oil Industry (Development) Act 1974 an amount of only Rs. 902 crores—Rs. 902 crores—i.e. less than even 5% of the total collection, has been released to the OIDB so far for giving loans/financial assistance to oil companies for the programmes connected with the exploration, production, refining and marketing of oil/petroleum products. The Committee had recommended that as per the provisions of the Act, after deducting the collection charges etc., the cess collected should be made available in full to the designated authority, i.e., OIDB for making these funds available to the oil companies for projects in the field of exploration, production, refining and marketing of oil and gas."

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): Agarwalji, you have made your point. You have moved the Resolution and explained the rationale.

श्री सतीश अग्रवाल: मैं और पांच मिनट से ज्यादा नहीं लूंगा।

So, twenty thousand crores of rupees were collected by way of cess under this Act and only Rs. 902 crores were made available to these companies for the purpose for which it was meant—only Rs. 902 crores, less than five per cent. This is the fate of every cess which is collected by the Government of India. It is never utilised for the purpose for which it is collected and for which the Act is brought forward before this House. Sir, had this particular amount been made available to these companies, probably our country would not have suffered lower levels of production of crude which I, at the time of a debate on the petroleum price hike, had mentioned in this House. The crude oil production has gone down from 34MT in 1989-90 to 23-24MT in 1993-94. This is one reason. This is because the cess amount was credited to the Consolidated Fund account. It was kept with the Ministry of Finance so as to reduce the budget deficit or fiscal deficit and it was not made available to the companies. This is one example.

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): You have made that point.

SHRI SATISH AGARWAL: This prompted me to move this motion for reference to a select committee. I do not want to go into the details, but there are so many other deposits in the finance account - pension fund, sugar fund. Mr. Ish Dutt Yadav, Rs. 7,000 crores are there with the Government of India. They pay 7% interest to the workers. Even Railway fund. I referred to them earlier also in this House. The Government of India is playing a fraud on the Parliament by bringing these legislations, by assuring the House that the cesses are meant for development of industry. It is only on account of this. Actually they are not meant for the development of industry but are meant for putting them into the Consolidated Fund of India so as to keep the budget deficit or fiscal deficit at a lower level. That is very much wholly

unwarranted. This is a fraud on the Parliament. This is a cheating of workers, this is a cheating of labourers, this is a cheating of employees, this is deceiving the whole nation and that is why, I along with my colleagues - Mrs. Margaret Alva from the Congress, Shri Md. Salim from CPI (M) and Shri Gurudas Das Gupta from CPI, Mr. Swaminathan from AIADMK - am moving this motion. I am very much thankful to them. They agreed to my viewpoint. That is why we want to make this reference to a select committee. I want to know from the Minister whether he would be in a position to tell the House the total accumulated amount in the Consolidated Fund of India under all the different heads of cess. Mr. Vice-Chairman, you had been the CAG and you must be knowing all about it. There is no separate head for this. It is shown in the revenue receipts! It is shown in the revenue receipts. I am not going into the details at this point of time; if need by, I will raise it in the General Budget. My assessment is that more than a hundred thousand crores of rupees are there as deposits under this particular head. I would like to know the details. That is why I have moved this motion.

The questions were proposed.

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): Mr. Minister, there are other speakers. Thereafter you may reply. Mrs. Alva, not present; Mr. Surinder Kumar Singla, not here; Mr. Md. Salim, not here; Shri Ish Dutt Yadav?

उपसभाध्यक्ष (श्री त्रिलोकी नाथ चतुर्वेदी): श्री ईश दत्त यादव।

श्री ईश दत्त यादव (उत्तर प्रदेश): हमें कुछ नहीं कहना है।

उपसभाध्यक्ष (श्री त्रिलोकी नाथ चतुर्वेदी): यह जो सिलेक्ट कमेटी बनाने के लिए जो प्रस्ताव है इसके संबंध में है।

श्री ईश दत्त यादव: मैंने तो नाम नहीं दिया है इस पर बोलने के लिए और मैं इसके पक्ष में नहीं हूं। सिलेक्ट कमेटी के पक्ष में नहीं हूं।

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): I think, both the Bills are to be discussed together. That is what I find.

THE MINISTER OF LABOUR (SHRI M. ARUNACHALAM): Sir, I will first reply to the points raised by the hon. Member.

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): why don't you do it after other Members speak on the other Bill also? Why don't you reply thereafter?

DR. BIPLAB DASGUPTA (West Bengal): Sir, May I make a quick point? It is always a good idea to refer a Bill to a select committee so that there will be a proper examination of the issue. I do not know if the Minister will confirm it that the time of the Ordinance is going to lapse shortly. What is the implication of that? The Minister should explain the situation whether the Ordinance is lapsing, whether there is a link with the other Bill. If the other Bill is passed and the Cess Bill is not passed, then the Bill passed will not be operative. These two difficulties may come in the way. I think, the Minister should be allowed to explain these at the beginning of the debate so that these do not become points for debate later on.

SHRI M. ARUNACHALAM: At the outset, I request the hon. Member, Shri Agarwal to withdraw the motion. *(Interruptions)* I will give the reasons. Sir, at the outset, I would like to say that the life of the Building and other Construction Workers' Welfare Cess Ordinance, 1996 and the Building and Other Construction Workers (Regulation of Employment and Condition of Service) Ordinance, 1996 will lapse on 20th of this month. Sir, it is necessary and desirable to pass these before that day. The Cess Ordinance has come into force on the 3rd November, 1995 and the main Ordinance has been brought into force on the 1st March, 1996. All the State Governments

and the U.T. administrations have been requested to take necessary action to implement the provisions of law in areas or fields concerning them. A number of steps have been taken to give effect to the various provisions of the Ordinances, which the present Bill seeks to replace. Sir, as regards cess, as the hon. Member has referred, we are not connected. The Government of India is not connected. The State Governments will be collecting the cess. It goes to the State Governments directly. It does not come to the Consolidated Fund. Therefore, it is not necessary to refer it to a select committee. It has been discussed time and again from 1980 onwards and again it has been discussed at all-party meetings in the Speaker's Chamber. It has been agreed on the amendments. Therefore, the hon. Member should withdraw this motion.

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI) : Apart from what Mr. Satish Agarwal mentioned, a point was made by Dr. Biplab Dasgupta and that is: Are the two Bills connected?

(SHRI M. ARUNACHALAM: Yes, Sir, they are connected. If the first Bill is not passed the second Bill has no relevance.

THE VICE-CHAIRMAN (SHRI TRILOKI NAH CHATURVEDI): Shri Agarwal sought an assurance when he moved his proposal for a select committee. That is, the funds raised through the cess be spent for the purposes it is meant. Of course, it will go to the States. But there also whether it will go to the Consolidated Fund or whether the Government of India, specifically your Ministry will ensure that whatever cess is raised through this Bill is spent for the purpose for which it is meant, that is for the workers' welfare for which this Bill has been moved. That assurance, probably, you may like to give and thereafter I would request the hon. Member to withdraw.

SHRI M. ARUNACHALAM: Sir, that is correct. This has been raised in the all-party meeting. The funds have to go to the States directly and not to the Consolidated Fund of India. I assure the House that the cess will be used for the intended purpose.

SHRI V. NARAYANASAMY (PONDICHERRY): The hon. Member raised this issue because of OIDB. The Minister has given an assurance that it will be spent only for the specific purpose. Therefore we can agree.

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI) That is why I requested the hon. Minister to make that position clear. He was mentioning again and again that it would not go to the Consolidated Fund. That is with regard to the Government of India. But so far as the State Governments are concerned it would go to them, their own Consolidated Fund and this revenue, members fear they want assurance that it will be spent only for the workers' welfare and it will not be spent for general purposes.

SHRI SATISH AGARWAL: Only one hundred per cent!

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): That is our hope. I think, the Minister will be requesting the State Governments.

SHRI M. ARUNACHALAM: Sir, it is being administered by a welfare board set up by the State Government. Two ligislators will be there on the welfare board.

DR. BIPLAB DAS GUPTA: Mr. Satish Agarwal wants his pound of flesh.

SHRI SATISH AGARWAL: That is not the position. I am not taking that stand at all. I am only drawing the attention of the House how in the past the Government in the garb of levying a cess for the development of a particular industry or the welfare of workers has been misutilising all these funds, crediting

into the Consolidated Fund of India releasing only five per cent of the amount for the development of the particular industry as in the case of OID.

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): The Minister assures that this will really be spent for the purpose for which the Bill has been moved and a mechanism will the worked out to ensure what you suggested.

SHRI SATISH AGARWAL: The Chair is satisfied; the House is satisfied. I am with the House. In view of the assurance, we will take it up in the Assurances Committee. The assurance given by the hon. Minister is that the cess collected under this particular Act shall be utilised exclusively for the welfare of the workers and the employees and that it shall never be utilised for Government expenditure. I seek leave of the House to withdraw my motion.

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): Mr. Agarwal, Government represents continuity in regard to any assurance. Naturally that will be followed by all others.

The motion for reference of the Bill to Select Committee was, by leave, withdrawn.

Shri V. Narayanasamy: When it is withdrawn it need not be put for voting. It is withdrawn with the leave of the House. Therefore, it need not be put for voting.

The Vice-Chairman (Shri Triloki Nath Chaturvedi): So it need not be negated. The hon. Members were speaking about the assurance again and again. So I thought let us be doubly sure and the Minister's assurance will also be then reinforced accordingly. The Members have also some other viewpoints to suggest because there is another connected Bill, the Building and Other Construction Workers Bill. The Minister has moved both of them.

STATEMENT BY MINISTER

Minimum Support Prices for Kharif Crops and Raw Jute for 1996-97.

कृषि मंत्री (श्री चतुरानन मिश्र):- उपसभाध्यक्ष महोदय, मैं मिनियम सपोर्ट प्राइसेस फॉर खरीफ क्रॉप्स एंड रॉ जूट फॉर 1996-97 सीजन से संबंधित स्टेटमेंट की प्रति सभा पटल पर रखता हूं।

MESSAGE FROM THE LOK SABHA

The Arbitration and Conciliation Bill, 1996

SECRETARY-GENERAL: Sir, I have to report to the House the following message received from the Lok Sabha signed by the Secretary-General of the Lok Sabha:

> "In accordance with the provisions of rule 120 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to inform you that Lok Sabha, at its sitting held on the 2nd August, 1996, agreed without any amendment to the Arbitration and Conciliation Bill, 1996, which was passed by Rajya Sabha at its sitting held on the 22nd July, 1996."

SHRI SATISH AGARWAL: That is one of the reasons why I withdrew my motion because Lok Sabha agreed to our Bills; so we also agreed to that.

I. THE BUILDING AND OTHER CONSTRUCTION WORKERS (REGULATION OF EMPLOYMENT AND CONDITIONS OF SERVICES) BILL, 1996

II. THE BUILDING AND OTHER CONSTRUCTION WORKERS WELFARE CESS BILL, 1996 (CONTD.)

श्री गोविन्दराम मिरी (मध्य प्रदेश)- उपसभाध्यक्ष महोदय, भवन और अन्य सन्निर्माण कर्मकार (नियोजन तथा सेवा-शर्त विनियमन) विधेयक, 1996 के उद्देश्यों और कारणों के कथन में माननीय मंत्री महोदय ने जो संख्या बताई है कि यह अनुमान लगाया जाता है कि देश में लगभग 8.5 मिलियन कर्मकार भवन और अन्य निर्माण कार्यों में लगे हुए हैं। ....(व्यवधान)...